

CHAPTER 43
MINIMUM REQUIREMENTS FOR RADON TESTING AND ANALYSIS

641—43.1(136B) Purpose and scope. This chapter establishes requirements for the certification of radon measurement specialists and radon measurement laboratories. All persons performing measurements for radon or radon progeny in buildings, other than those which they own or occupy, and who provide the results of these measurements to the owner or occupant of these structures must be certified in accordance with the provisions of this chapter.

641—43.2(136B) Definitions. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

“*Act*” means the Iowa Radon Testing Act (Iowa Code chapter 136B).

“*Building*” means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, and designed for the housing, shelter, enclosure and support of individuals.

“*Certified person*” means a certified radon measurement specialist or certified radon measurement laboratory as defined by this chapter.

“*Certified radon measurement laboratory (certified laboratory)*” means a commercial laboratory which may analyze samples or test for radon decay products and meets the provisions for certification in this chapter.

“*Certified radon measurement specialist (certified specialist)*” means an individual who performs radon or radon progeny measurements in buildings and provides professional or expert advice on radon and radon progeny measurements, radon entry routes, and other radon-related activities; is knowledgeable in the health risk associated from exposure to radon; and who meets the provisions for certification in this chapter.

“*Compensation*” means any form of monetary gain which in any way directly or indirectly results from a radon or radon progeny measurement being conducted.

“*Department*” means the Iowa department of public health.

“*E.P.A.*” means the United States Environmental Protection Agency.

“*Laboratory*” means any person performing analysis, not at a testing site, on a passive device to measure radon or radon progeny (charcoal canister, alpha-track, electret, etc.).

“*Person*” means an individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, any other state or political subdivision or agency, and a legal successor, representative, agency or agencies of the entities listed in this paragraph.

“*Picocurie per liter*” means a quantity of radioactive material per liter of air that will produce 2.2 disintegrations per minute of radiation. It may be used as a measure of the concentration of radon gas in air. One curie is equivalent to one trillion picocuries.

“*Radon*” means the radioactive noble gas radon-222.

“*Radon progeny*” means the short-lived radionuclides formed as a result of the decay of radon-222, including polonium-218, lead-214, bismuth-214, and polonium-214.

“*Working level (WL)*” means the concentration of radon progeny that will result in 130,000 million electron volts of alphaparticle energy released per liter of air. Working level is a measure of radon decay product concentration in air.

641—43.3(136B) General provisions.

43.3(1) Except as provided in this chapter, no person may test for the presence of radon or radon progeny in the state of Iowa unless the person has been certified by the department of public health. This requirement also applies to persons whose place of business is located in Iowa, or in a state other than Iowa, and who offer radon testing to residents of Iowa either directly or through the mail.

43.3(2) Individual qualifications for radon measurement specialist. No individual may be certified as a radon measurement specialist unless all of the following conditions are met:

- a.* Be at least 18 years of age at the time of application;
- b.* Possess three years of relevant professional work experience. Relevant postsecondary education may be substituted for professional work experience. Relevant postsecondary education includes a college curriculum in architecture, engineering, building construction or the physical sciences. Relevant professional work experience includes house testing/evaluation for the presence of radon, design and installation of heating, ventilation and air-conditioning systems, design or construction of buildings or closely related activities approved by the department of public health;
- c.* Have successfully completed a training course on radon/radon decay product measurement approved by the department of public health; and
- d.* Have successfully completed a uniform examination approved by the department of public health.

43.3(3) Additional requirements.

a. Where the applicant for testing certification is a laboratory, it must be successfully enrolled in the E.P.A.'s Radon/Radon Progeny Measurement Proficiency Program (RMPP) and must follow all applicable E.P.A. protocol and guidelines.

b. Where the applicant for testing is an individual, that individual must:

- (1) Be successfully enrolled in the E.P.A.'s RMPP;
- (2) Use detection devices approved by E.P.A. to measure radon. The detection device must be obtained from an Iowa certified measurement laboratory, or
- (3) When using portable electronic detection devices, the instrument must be calibrated on a six-month basis by persons acceptable to the department of public health. The records of calibration must be maintained for review by the department. Each person using portable electronic detection devices must be successfully enrolled in the E.P.A.'s RMPP and must notify the department immediately if an adverse E.P.A. RMPP test result is received.

43.3(4) No certification shall be approved unless the applicant demonstrates to the department that the following conditions are met:

- a.* Has in place a quality assurance plan and quality control procedures, approved by the department, for all measurements and equipment;
- b.* Has shown the ability or intention to comply with the Radon Testing and Abatement Act, Iowa Code chapter 136B, or this chapter, or has been able or willing to conduct radon-related activities forthrightly and honestly with the applicant's clients.

43.3(5) Requirements for continued certification shall include the following:

a. A certified person located within the state of Iowa shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials, to have access without undue delay to the person's facilities, offices and files for inspection and examination of records and equipment. The certified person shall also allow the department, its agents, employees, and contractors to accompany the person while performing any radon measurement, for the purpose of inspection of those activities, with the approval of the property owner or resident on whose property the activities are being performed.

b. An out-of-state certified person shall notify the department of public health in writing at least three days prior to engaging in radon or radon progeny measurements within the state of Iowa if it requires the person to be physically present within the state.

c. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state person, this person may, upon application to the department of public health, obtain permission to proceed sooner.

d. The certified person shall remain in compliance with the Act and this chapter. Any changes in the information provided in the original application including changes in certified personnel shall be reported in writing to the department of public health within ten working days of the change.

641—43.4(136B) Application for certification.

43.4(1) An application for certification or renewal of certification as a radon measurement specialist or a radon measurement laboratory shall be filed on a form prescribed by the department and shall contain complete and accurate information. The applications shall be accompanied by reports, plans, advertising, and records requested by the department.

43.4(2) The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved or denied, or whether a previously issued certification should be amended, suspended, or revoked.

43.4(3) Each application or supplementary statement shall be signed by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

43.4(4) A certification will be valid for one year following the date of issuance. No radon measurement covered by this chapter can be conducted after the expiration of the term of certification unless an application for renewal certification has been received by the department 30 days prior to the expiration date of certification and is pending approval. If the application is rejected, no radon test or measurement may be conducted by that applicant in the state of Iowa if a financial arrangement is involved.

43.4(5) Renewal of an annual certification must contain all the information requested in the Notice of Renewal for certification along with the fee specified in 641—subrule 38.8(9).

43.4(6) Applications for initial and renewal certification must be submitted along with fees specified in 641—subrule 38.8(9) to the Iowa Department of Public Health, Bureau of Radiological Health, Des Moines, Iowa 50319-0075. The fee must be in the form of a check or money order made payable to the Iowa Department of Public Health.

641—43.5(136B) Revocation of certification. The department will consider revoking or suspending any certification, in whole or in part, for:

1. Any misstatement in the application or in any supplementary statement;
2. Any condition revealed by the application, supplementary statement, report, record, or other evidence, which would warrant the department's refusal to grant a certification on an original application;
3. Any violation or failure to observe any of the applicable terms or provisions of certification, the Public Health Law, or any other applicable rule, regulation, code or order;
4. Being discontinued or removed from the E.P.A.'s Radon/Radon Progeny Measurement Proficiency Program.

641—43.6(136B) Reporting requirements.

43.6(1) A certified person must submit to the department within 30 days after any radon/radon progeny testing, or at the request of the department prior to testing, the address or location of the building, the name and telephone number of the owner(s) of the building where the radon testing will be conducted and the results of any tests performed.

43.6(2) The results for each test conducted shall include, but not necessarily be limited to:

- a. The method used for radon or radon decay product testing, media tested, and conditions under which the testing was or will be performed.
- b. The level or floor of building where the test(s) was or will be conducted.
- c. The results of the test(s) in picocuries/liter (pCi/l) of radon gas or working level (WL) of radon decay products.
- d. The date on which the test was or will be conducted.
- e. The purpose of the test.

43.6(3) Rescinded IAB 5/29/91, effective 5/10/91.

43.6(4) A certified person shall:

- a. Cooperate with the department when conducting field evaluations.
- b. Notify the department within 14 days of any changes in testing results or procedures.
- c. Not disclose to any other person, except to the department, the address or owner of a nonpublic building that was tested for radon gas or radon progeny, unless the owner of the building waives this right of confidentiality in writing.

641—43.7(136B) Training and continuing education programs. Each person conducting radon-related activities shall complete a radon training program approved by the department to ensure that the applicant and all employees have had initial training and the certified person will participate in a continuing education program consisting of a minimum of six hours of department-approved courses or seminars on radon testing or mitigation each year.

641—43.8(136B) Exemptions. Certification requirements shall not apply to:

1. Those persons who test for radon/radon decay products in buildings that they own.
2. Those persons testing for radon/radon decay products as part of scientific research approved by the department.
3. Those persons testing for radon/radon decay products in which the testing will be conducted without any form of compensation.
4. State officials conducting radon testing as part of the state's radon testing program or local officials acting on behalf of the state, and approved by the department.
5. Officials conducting radon testing as part of government programs in the United States or contractors working for the United States government.

641—43.9(136B) Enforcement.

43.9(1) A certified individual who measures for radon or radon progeny in the state of Iowa must meet the requirements of this chapter.

43.9(2) Any laboratory providing analysis services for radon detectors used in Iowa must meet the provisions of this chapter.

43.9(3) Any certified individual is prohibited from using radon measurement devices in Iowa obtained from a laboratory which is not certified under the provisions of this chapter.

641—43.10(136B) Penalties. It is unlawful for an individual to function as a radon measurement specialist or radon measurement laboratory in violation of the provisions of the Iowa radon testing Act or of any rule adopted pursuant to the Act. Persons convicted of violating the provisions of the Act or the rules adopted pursuant to the Act shall be guilty of a serious misdemeanor (Iowa Code section 136B.5).

641—43.11(136B) Persons exempted from certification. Persons providing radon or radon progeny measurement devices to the public, but not conducting physical tests for the presence of radon or radon progeny with the measurement devices may do so under the following conditions:

1. They must provide measurement devices obtained from a laboratory certified in Iowa.
2. A valid visible expiration date must be permanently affixed to each measurement device.
3. In addition to the required laboratory instructions regarding measurement procedures, each measurement device must be accompanied by clear directions on where to obtain additional information and interpretation for test results. The certified laboratory or a certified specialist must be included as one of the sources of information and interpretation.

These rules are intended to implement Iowa Code chapter 136B.

[Filed 9/30/88, Notice 8/10/88—published 10/19/88, effective 11/23/88]

[Filed 1/14/91, Notice 10/17/90—published 2/6/91, effective 3/13/91]

[Filed emergency 5/10/91—published 5/29/91, effective 5/10/91]

[Filed 5/8/92, Notice 4/1/92—published 5/27/92, effective 7/1/92]

[Filed 9/14/92, Notice 8/5/92—published 9/30/92, effective 11/4/92]